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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,637	02/27/2002	Craig Mayo	3691-368	1812

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EXAMINER	
LANEAU, RONALD	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/083,637	MAYO ET AL.	
	Examiner	Art Unit	
	Ronald Laneau	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Appeal Brief

1. In view of the Appeal Brief filed on November 11,2005, PROSECUTION IS HEREBY REOPENED. A non-final Office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,609,050) in view of Lowell et al (US 2002/0073012 A1).

As per claim 1, Li discloses a method of handling vehicle warranty claims that includes a customer taking a damaged vehicle to a retailer (col. 3, line 32+, col. 4, line 46+), a technician

analyzing the damage and determining the cause of the damage (col. 4, line 19+, col. 4, line 45+, col. 7, line 42+), processing the claim to get the damage repaired depending on the nature of the damage (col. 8, line 9+), and informing the customer whether the damage is covered by the warranty (col. 6, line 48+, col. 7, line 62+). Li does not explicitly disclose that the damage of the vehicle is to the window but Lowell discloses a system wherein vehicle service such as window repair or replacement can be performed on a vehicle under a warranty program as claimed (page 2, [0026] and page 5, [0050]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the window repair or replacement program as taught by Lowell into the system of Li because it would allow a consumer to simply and efficiently order services to their vehicle and also provide a list of available repair and service businesses that are qualified to perform the repair.

As per claims 2-4, it would have been obvious for the skilled artisan to order replacement parts from the appropriate sources and to bill for services and the parts accordingly.

4. Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,609,050) in view of Lowell et al (US 2002/0073012 A1) and further in view of Busche (US 6,493,723).

As per claims 5-7, see above rejection. The method of Li and Lowell differs from the claimed method in that it does not include providing the retailer with statistical information and analysis regarding warranty claims (claims 5-7).

On the other hand, Busche discloses a method of handling vehicle warranty claims that includes providing the retailer with statistical information and analysis regarding warranty claims (col. 10, line 23+, col. 11, line 50+).

Accordingly, it would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the window repair or replacement program as taught by Lowell into the system of Li because it would allow a consumer to simply and efficiently order services to their vehicle and also provide a list of available repair and service businesses that are qualified to perform the repair. And it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the combined methods of Li and Lowell to include providing the retailer with statistical information and analysis regarding warranty claims, as taught by Busche, to help provide retailers with a better understanding of the products and warranty claims that occur.

As per claims 8-12, Li discloses a method of handling vehicle warranty claims that includes a customer taking a damaged vehicle to a retailer (col. 3, line 32+, col. 4, line 46+), a technician analyzing the damage and determining the cause of the damage (col. 4, line 19+, col. 4, line 45+, col. 7, line 42+), processing the claim to get the damage repaired depending on the nature of the damage (col. 8, line 9+), and informing the customer whether the damage is covered by the warranty (col. 6, line 48+, col. 7, line 62+). It would have been obvious for one of ordinary skill in the art at the time the invention was made that the damage to the vehicle could have been a variety of types of damage including windows.

Concerning claims 10 and 11, the method includes ordering replacement parts from the appropriate sources to bill for services and the parts (col. 8, line 9+).

The method of Li differs from the claimed method in that it does not include providing the retailer with statistical information and analysis concerning warranty claims (claims 5-7).

On the other hand, Busche discloses a method of handling vehicle warranty claims that includes providing the retailer with statistical information and analysis regarding warranty claims, as taught by Busche, to help provide retailers with a better understanding of the products and warranty claims that occur.

Response to Arguments

5. Applicant's arguments filed on 4/12/05 have been fully considered but they are not persuasive.

Applicant argues that there is nothing in Li that discloses or suggests differentiating between types of window damage (a), (b) and (c) at the retailer regarding vehicle windows. In response to applicant's arguments, the newly added reference (Howell et al) is used to disclose such limitation. Li's system is also handling warranty claims for any types of damage in a vehicle including a window. Furthermore, Applicant argues that the examiner fails to make a prima facie case of obviousness since there is no suggestion or motivation to modify the references or combine reference teachings so as to arrive at the claimed invention. In response to applicant's arguments, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves or

in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Applicant's arguments are deemed unpersuasive, claims 1-12 remain rejected.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Laneau
Examiner
Art Unit 3627

2/6/06

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